

CGA Government Administration and Elections Committee

March 10, 2021 Public Hearing

Testimony Presented by Patricia Rossi,

LWVCT Board Secretary and

CT Representative for LWVUS People Powered Fair Maps

Support for:

Committee Bill 753: An Act Concerning the Counting of Incarcerated Persons for Purposes of Determining Legislative Districts

The League of Women Voters of CT supports Committee Bill 753, a bill which would end the practice of enumerating incarcerated persons in the town where the prison is located rather than in their home communities.

Our support is located within two long-standing positions held by the LWV: our position on apportionment which holds that congressional districts should be based on population; and our support for voting rights which recognizes that reapportionment should not dilute effective representation of minority citizens.

As you know, incarcerated people were enumerated along with all other people in the Census undertaken last year. The question before you is: To what locality will those people be attributed? Currently in Connecticut, inmates are counted as residents of the district where the prison is located rather than at their home addresses. Prisons are located in rural, less populated areas, the populations of which are predominantly white. Inmates are often from urban areas which are disproportionately communities of color. The current enumeration practice simultaneously distorts the true population basis on which apportionment should rest and creates a race-based gerrymander by diluting the effective representation of communities of color. Last year, the League, as well as state officials, worked diligently to help the Census conduct a complete count, particularly for communities of color. But the current practice of attribution creates a structural and systematic undercount for those

communities. This will affect their political representation and the services and funds allocated to their districts on the basis of population. Bills similar to 753 have been introduced in earlier sessions, but this year is different: this is the last opportunity to fix this unfair practice before the once-every-ten-year process of reapportionment and redistricting is done.

In previous year's testimony in front of this committee, legal experts from Yale's Rule of Law Clinic and the Prison Policy Initiative of neighboring Massachusetts, outlined the legal arguments- - rooted both in CT state law and the U.S. Constitution- -against counting inmates in the town where the prison is located. We find several arguments from the legal experts' testimony particularly compelling.

1. Connecticut law establishes that a resident will not be deemed to have lost residence in any town "... by reason of his absence therefrom in any institution maintained by the state" (General Statutes of Connecticut section 9-14). This fact is underscored by the Secretary of State's practice of informing the Registrar of Voters of the released person's home community to restore their voting rights. The SOTS does not notify the Registrar of the town in which the prison is located.

2. The Constitution requires states to make their legislative districts equal in size on a population basis in order to create equality of representation. This is the "one person, one vote" principle. Deviations of greater than 10% have been deemed presumptively illegal. When districts are modeled with incarcerated persons attributed to their home communities, the result is that nine Connecticut House Districts trigger that numerical threshold, and thus, legal experts argue, are unconstitutional.

In summary, the League of Women Voters of Connecticut supports the practice of enumerating inmates in their home communities rather than in the community where the prison is located. We urge the General Assembly to join other states including neighboring New York which have passed legislation to end this practice. Finally, it is simply fair and just that the home communities of the incarcerated, the communities to which many will return and live, receive the political representation and resource allocations that align with their true population base.

Thank you for the opportunity to present testimony before you here today.